

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RICHARD FRANCIS, *et al.*, individually
and on behalf of all others similarly
situated,

Plaintiffs,

v.

GENERAL MOTORS, LLC,

Defendant.

Civil Action No. 2:19-cv-11044

Hon. David M. Lawson
Magistrate Judge David R. Grand

PLAINTIFFS' MOTION FOR STATUS CONFERENCE

Plaintiffs, by and through their counsel, respectfully request that this Court conduct a status conference to discuss a discovery schedule, including document production, in this matter. Pursuant to Local Rule 7.1, Plaintiffs conferred with Defendant General Motors, LLC (“GM”) prior to filing this motion. GM does not consent to the filing of this motion.

Dated: June 3, 2020

Respectfully submitted,

/s/ Theodore Leopold

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Plaintiffs' Liaison Counsel

STATEMENT OF ISSUE PRESENTED

Whether the Court should convene a status conference to discuss a discovery schedule.

CONTROLLING OR MOST APPROPRIATE AUTHORITY

None.

MEMORANDUM IN SUPPORT OF MOTION

On September 16, 2019, following the Parties' September 11, 2019 Case Management & Scheduling Conference, this Court entered initial case management deadlines related to the Amended Consolidated Complaint and Initial Disclosures. ECF No. 34. On November 7, 2019, this Court entered an Order setting the deadlines for responding to the Amended Consolidated Complaint and directing GM to file an Answer. ECF No. 52.

On November 29, 2019, GM filed its Motion to Dismiss. ECF No. 53. On December 20, 2019, Plaintiffs filed their opposition to the Motion to Dismiss. ECF No. 58. On January 3, 2020, GM filed its Reply. ECF No. 60. While the parties were briefing GM's Motion to Dismiss, the parties were actively engaged in negotiating an ESI Protocol and a Protective Order to govern fact discovery. The parties finalized these protocols early in January and submitted them for the Court's approval on January 8, 2020. The Court signed and entered the Protective Order on January 28, 2020. ECF No. 68.

The parties began discovery shortly after filing their ESI Protocol and proposed Protective Order, with Plaintiffs serving their First Set of Interrogatories and their First Set of Requests for Production on January 9, 2020, and GM serving its First Set of Interrogatories and their First Set of Requests for Production on

January 28, 2020. GM began the production of documents, providing a limited set of 215 non-custodial documents on March 4, 2020. Then, on March 20, 2020, GM requested a two-month delay on further discovery in light of GM's closures due to the COVID19 pandemic. Following a meet and confer call, on March 24, Plaintiffs agreed to the two-month delay but requested that discovery resume right away in the event that GM reopened and was therefore available to respond to discovery before two months elapsed. This period elapsed on May 26, 2020, and the parties met and conferred on May 27, 2020, to organize the resumption of discovery.

Although discovery has been proceeding smoothly to date, and while the parties are working together to navigate the unusual challenges posed by the pandemic, the parties do not yet have a formal discovery schedule entered on the docket. In order to ensure that the pace of discovery remains brisk, and in the interest of avoiding any further delays, Plaintiffs respectfully request that the Court convene a status conference to discuss the Court's preferences for a discovery timeline. If the Court so wishes, Plaintiffs could propose a discovery schedule for the Court's consideration prior to any status conference; otherwise, Plaintiffs will defer to the Court's preferred timeline.

For the foregoing reasons, Plaintiffs respectfully request that this Court enter a text-only order scheduling a status conference to discuss a formal discovery schedule.

Dated: June 3, 2020

Respectfully submitted,

/s/ Theodore Leopold

Theodore J. Leopold
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Plaintiffs' Liaison Counsel

CERTIFICATE OF SERVICE

I, Julia Horwitz, hereby certify that on June 3, 2020, I served the foregoing
via ECF on all counsel of record.

Dated: June 3, 2020

/s/ Theodore Leopold
Theodore Leopold